

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET										
CR No: 20-972 WJ			USA vs. Martinez							
Date: 9/10/2021			Name of Deft: Trudy Martinez							
Before the Honorable: Chief District Judge William P. Johnson										
Time In/Out:		10:03am – 11:20pm			Total Time in Court (for JS10):			1 hour and 17 minutes		
Clerk:		R. Garcia			Court Reporter:			M. Loughran		
AUSA:		Thomas Aliberti			Defendant's Counsel:			Irma Rivas		
Sentencing in:		Albuquerque, NM			Interpreter:			N/A		
Probation Officer:		Jason Hunt			Interpreter Sworn?			Yes	No	
Convicted on:		<input checked="" type="checkbox"/>	Plea		Verdict	As to:	<input checked="" type="checkbox"/>	Information	Indictment	
If Plea:		<input checked="" type="checkbox"/>	Accepted		Not Accepted	Adjudged/Found Guilty on Counts: Counts 1 and 2 of Information				
If Plea Agreement:		<input checked="" type="checkbox"/>	Accepted		Not Accepted	No Plea Agreement		Comments:		
Date of Plea/Verdict:		3/16/2021		PSR:	Not Disputed	<input checked="" type="checkbox"/>	Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings	
Evidentiary Hrg:	<input checked="" type="checkbox"/>	Not Needed		Needed	Exceptions to PSR:					
SENTENCE IMPOSED				Imprisonment (BOP):		108 months as to Count 1; 120 months as to Count 2; Count 2 shall run consecutive to Count 1 for a total term of 228 months.				
Supervised Release:		3 years as to Count 1; 5 years as to Count 2, said terms shall run concurrently for a total term of 5 years						Probation:		
REC	<input checked="" type="checkbox"/>	The Court recommends the 500-Hour Drug Program, any high school or GED classes, and any additional classes re parenting, psychology and/or accounting.			BOP Sex Offender Program			Other:		
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence								ICE not applicable
SPECIAL CONDITIONS OF SUPERVISION										
No re-entry without legal authorization					Home confinement for months days					
Comply with ICE laws and regulation					<input checked="" type="checkbox"/> Community service for 50 hours					
<input checked="" type="checkbox"/> Participate in outpatient substance abuse treatment program					Reside halfway house months days					
<input checked="" type="checkbox"/> Submit to substance abuse testing not to exceed 60 test per year					Undergo a sex offense-specific assessment and participate in sex offender treatment program, if deemed necessary					
<input checked="" type="checkbox"/> Participate in/successfully complete mental health program					If recommended in the sex offense-specific assessment, you must begin attending and participating in sex offender treatment consistent with the recommendations of the evaluation					
<input checked="" type="checkbox"/> Must take all mental health medications that are prescribed by your treating physician					Register as sex offender					
<input checked="" type="checkbox"/> Must not use/possess alcohol and submit to no more than 4 tests a day					Participate in sex offender treatment program					
<input checked="" type="checkbox"/> Submit to search of person/property					Possess no sexual material					
<input checked="" type="checkbox"/> No contact with victim's family					No computer with access to online services					
No entering or loitering near victim's residence					No contact with children under 18 years					
Provide financial information					No volunteering where children supervised					
<input checked="" type="checkbox"/> Waive right of confidentiality for treatment providers					Restricted from occupation with access to children					
<input checked="" type="checkbox"/> Must not knowingly use or possession of synthetic cannabinoids, etc.					No loitering within 100 feet of school yards					
No possession of a firearm, ammunition, destructive device or any other dangerous weapon					<input checked="" type="checkbox"/> Participate in an educational/vocational program					
You must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia					Participate in anger management/parenting/domestic violence program					
OTHER:										

Fine: \$	0.00	Restitution: \$	7,628.90; pursuant to the Mandatory Victim Restitution Act, it is further ordered that the defendant will make restitution to G.M. in the amount of \$1,628.90 and to the Crime Victim Reparation Commission (CVRC) in the amount of \$6,000.00. Restitution shall be paid in full, or in monthly installments of \$50 or 10% of the defendant's income, whichever is greater, until paid in full.		
SPA: \$	200.00	Payment Schedule:	<input checked="" type="checkbox"/> X	Due Immediately	<input type="checkbox"/>
Consistent with a stipulation in the Plea Agreement, the defendant forfeits her rights, title, and interest to a Bushmaster model BK5037442, AR-15 rifle, bearing serial no. XM15-E25; and, twenty rounds of 5.56-mm Winchester ammunition.					
OTHER: ADVISED OF RIGHT TO APPEAL		<input checked="" type="checkbox"/> X	WAIVED APPEAL RIGHTS PER PLEA AGREEMENT		
X REMANDED INTO CUSTODY			VOLUNTARY SURRENDER		
X RECOMMENDED PLACE(S) OF INCARCERATION:		IN ORDER OF PREFERENCE: FCI BRYANT, TX; FCI CARSWELL, TX; FCI DUBLIN			
DISMISSED COUNTS: Mr. Rivas advises PSR reviewed with Client; no objections to factual recitations; notes Objections filed; Mr. Aliberti has no objection to guideline calculations The Court takes up Defendant's Objections to the PSR re Ms. Rivas argues in support of objection to 2 level enhancement for obstruction of justice. Mr. Aliberti responds in opposition. Ms. Rivas replies. The Court overrules Defendant's objection. As to County 1, the Court finds the offense level to be 28, criminal history category is II, resulting in a sentencing guideline range of 87 to 108 months; there is a mandatory 120 month term as to Count 2 that must run consecutive to Count 1, therefore making the sentencing range 207 to 228 months. Mr. Aliberti addresses the Court in support of a recommendation of a term at the high end of the sentencing range. Ms. Rivas addresses the Court on behalf of her client; notes her client wished to read a letter to her brother today, but he is not present for the hearing; Court suggests that, if the Government does not object, the letter can be delivered to her brother; Mr. Aliberti will inquire if the family will accept the letter; Ms. Rivas continues to address the Court on behalf of her client. Defendant addresses the Court. The Court reviews 3553 factors; specifically, the history and characteristics of the Defendant, including criminal history.					
OTHER COMMENTS:					